

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE COMPLAINT

08 CIV. 3942 (DLC)

of

PRETRIAL
SCHEDULING ORDER

Estate of ROBERT CHACON, deceased, as owner of a 2005 24-foot Baha motor vessel, for Exoneration from or limitation of liability.

Petitioner.

DENISE COTE, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/6/08

As set forth at the pretrial conference held pursuant to Rule 16, Fed.R.Civ.P., on August 1, 2008, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. By **August 8, 2008**, petitioner shall circulate to all parties a stipulation regarding the location of the accident.
2. The parties shall comply with their Rule 26(a)(1), Fed.R.Civ.P., initial disclosure obligations by **September 12, 2008**.
3. No additional parties may be joined or pleadings amended after **September 12, 2008**.
4. The following motion will be served by the dates indicated below.

Claimant Isello's motion regarding preemption

- Motion served by September 12, 2008
- Opposition served by September 26, 2008
- Reply served by October 3, 2008

At the time any Reply is served the moving party shall supply two courtesy copies of all motion papers to Chambers by delivering them to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

5. The parties are instructed to contact the chambers of Magistrate Judge Francis prior to **January 9, 2009** in order to pursue settlement discussions under his supervision.
6. The following motion will be served by the dates indicated below.

Motion by claimant Isello for a jury trial in state court

- Motion served by **January 16, 2009**
- Opposition served by **January 30, 2009**
- Reply served by **February 6, 2009**

7. All fact discovery must be completed by **February 27, 2009**.
8. Identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., by the party bearing the burden of proof on the issue must occur by **March 13, 2009**.
Identification of rebuttal experts and disclosure of expert testimony must occur by **April 3, 2009**.
9. All expert discovery must be completed by **May 1, 2009**.
10. The Joint Pretrial Order must be filed by **May 22, 2009**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial.
Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with a one (1) courtesy copy of all these documents at the time they are served, as well as two sets of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

SO ORDERED:

Dated: New York, New York
August 6, 2008


DENISE COTE

United States District Judge